

§128.0205 How to Apply for Environmental Review

An application for a *development permit* made in accordance with Section 112.0102 also serves as the application for environmental review. A separate application for an Environmental Initial Study may be required for a discretionary action that does not require a *development permit*.

(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)

§128.0206 Establishment and Collection of Fees or Deposits

Fees and deposits may be charged for environmental review in accordance with Section 112.0201. Any party proposing a project subject to the provisions of this article shall be required to submit the required fees or deposit in accordance with Section 112.0202.

(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)

§128.0207 Review for Exemption from the Requirements of CEQA

- (a) As part of the preliminary review of an activity proposed within the City of San Diego, the Development Services Director shall determine whether the proposed activity is exempt from CEQA as described in Section 128.0203 and in the State CEQA Guidelines, Section 15061 and shall file a Notice of Right to Appeal Environmental Determination in accordance with Section 128.0220.
- (b) A determination by the Development Services Director that a project is exempt from CEQA, as described in State CEQA Guidelines section 15061(b)(2) or (3), shall be subject to the appeal procedures in section 112.0510.

(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)

(Amended 7-26-2004 by O-19303 N.S.)

§128.0208 Determination of Type of Environmental Document

- (a) After an application for a discretionary permit or action is *deemed complete*, the Planning and Development Review Director shall take one of the following actions:
 - (1) Determine that the project is exempt from CEQA as described in the State CEQA Guidelines, Section 15061;
 - (2) Conduct an Environmental Initial Study to determine what type of environmental document will need to be prepared as described in the State CEQA Guidelines, Section 15063; or

- (3) Omit the Environmental Initial Study and proceed directly to the preparation of an Environmental Impact Report (EIR) if it is clear that an EIR will be required for the project, consistent with the State CEQA Guidelines, Section 15060.
- (b) The following types of environmental documents may be required consistent with CEQA, depending on the specific circumstances:
 - (1) A Negative Declaration;
 - (2) A Mitigated Negative Declaration;
 - (3) An Environmental Impact Report, including a Supplement; or
 - (4) An Addendum to a previously certified environmental document.
- (c) The Planning and Development Review Director shall notify the *applicant* of the scope of the required environmental document and the additional information required, if any, in accordance with the State CEQA Guidelines, Section 15060.

(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)

§128.0209 When a Previous Environmental Document May Be Used

- (a) A previously certified EIR or Negative Declaration, including any supplement or addendum, may be used when changes in the project or circumstances have occurred, unless the Planning and Development Review Director determines that one or more of the situations identified in the State CEQA Guidelines, Section 15162, exist.
- (b) If a previously certified document is to be used, the Planning and Development Review Director shall provide the decision-making body with an explanatory cover letter stating that none of the conditions specified in the State CEQA Guidelines, Section 15162, exists.
- (c) An EIR prepared in connection with an earlier project may be used for a later project, if the circumstances of the projects are essentially the same and are consistent with the State CEQA Guidelines, Section 15153.

(Added 12-9-1997 by O-18451 N.S.; amended 12-6-1999 by O-18728 N.S.; effective 1-1-2000.)